



# PUBLIC NOTICE

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DA 09-2158

October 1, 2009

**PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES  
REGION 22 (MINNESOTA) NPSPAC REGIONAL PLANNING COMMITTEE NON-  
STREAMLINED AMENDMENT TO REFLECT 800 MHZ BAND RECONFIGURATION IN  
THE 806-809/851-854 BAND**

**WT Docket No. 02-55, PR Docket No. 93-130**

By this *Public Notice*, the Public Safety and Homeland Security Bureau (Bureau) approves the National Public Safety Planning Advisory Committee (NPSPAC) non-streamlined regional plan amendment (Non-Streamlined Amendment) reflecting the new 806-809/851-854 MHz band allotments submitted by the Region 22 regional planning committee (RPC).<sup>1</sup> For the reasons discussed below, we approve the Region 22 800 MHz Plan Non-Streamlined Amendment.

The *800 MHz Report and Order* and subsequent orders in WT Docket No. 02-55 provide for reconfiguration of the 800 MHz band in order to eliminate harmful interference to public safety operations within the band.<sup>2</sup> As part of band reconfiguration, in all non-border areas, the former NPSPAC band at 821-824/866-869 MHz has shifted fifteen megahertz lower in the band to 806-809/851-854 MHz, and NPSPAC incumbents are in the process of relocating from the old to the new band. As a consequence of 800 MHz band reconfiguration, all non-border 800 MHz RPCs<sup>3</sup> are required to amend their regional plans currently on file with the Commission to reflect the fifteen-megahertz shift in the NPSPAC band from 821-824/866-869 MHz to 806-809/851-854 MHz.<sup>4</sup>

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<sup>1</sup> See Letter from Tim Lee, P.E., Chair, Region 22 (Minnesota) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, PR Docket No. 93-130 (filed Apr. 15, 2009) (submitting Notification Letter); see also, Letter from Tim Lee, P.E., Chair, Region 22 (Minnesota) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, PR Docket No. 93-130 (filed June 10, 2009) (submitting Non-Streamlined Plan Amendment).

<sup>2</sup> See *Improving Public Safety Communications in the 800 MHz Band, Report and Order, Fifth Report and Order, Fourth Memorandum Opinion and Order, and Order*, 19 FCC Rcd 14969 (2004).

<sup>3</sup> RPCs for all NPSPAC regions in Waves 1, 2, and 3, other than Region 19 (New England), must file amendments. NPSPAC Region 19 and all NPSPAC regions in Wave 4 are excluded from this requirement, and RPCs for these regions are not required to submit amended plans at this time. We will provide information on the plan amendment process for these regions at a later date, after the 800 MHz Transition Administrator determines replacement channel assignments for NPSPAC licensees in the U.S. – Canada and U.S. – Mexico border areas.

<sup>4</sup> Amendments limited to changing frequency, downward, by 15 MHz are filed using a “Streamlined Amendment” procedure in which applicants need not obtain concurrence of adjoining regions. A “Non-Streamlined Amendment,” is required otherwise, and applicants must obtain adjoining region concurrence and describe other proposed changes to the plan. See *Public Safety and Homeland Security Bureau Provides Guidance on Amendment of 800 MHz Plans to Reflect 800 MHz reconfiguration and on Licensing of New NPSPAC Facilities in the 806-809/851-854 MHz Band*, WT Docket No. 02-55, *Public Notice*, 24 FCC Rcd 1364 (PSHSB 2009).

The Commission's policies require the RPCs to prepare and submit regional plans for use of the NPSPAC band in their respective Public Safety Regions.<sup>5</sup> The RPCs must also update their regional plans as needed to conform to changes in the nationwide NPSPAC band plan, and to reflect other changes in the disposition of NPSPAC channels within the region, technical requirements, or procedures for assigning channels.<sup>6</sup>

On June 10, 2009, the Region 22 (Minnesota)<sup>7</sup> 800 MHz NPSPAC Regional Planning Committee submitted a proposed Non-Streamlined Plan Amendment for review and approval.<sup>8</sup> In addition to changes to the channel allocations,<sup>9</sup> the Non-Streamlined Amendment included the following modifications:

- Increased channel assignments to the new Allied Radio Matrix for Emergency Response (ARMER) system, as reflected in Non-Streamlined Plan Amendment, Exhibit G – Region 22 NPSPAC Channel Assignments.<sup>10</sup>
- Modified former Section 8.1.1 – Additional Common Channels from the 806 MHz Band – to read “Additional Common Channels,” and removed three (3) statewide mutual aid channels and, added six (6) Scene of Action channels for mobile-to-mobile use by ARMER System users.<sup>11</sup>
- Modified former Section 16.1 – Metro Area Planning – to read “Statewide Public Safety Radio System Planning” to reflect the change from metro area planning to statewide planning.<sup>12</sup>

The Amendment was coordinated with all four adjacent regions to Region 22: Region 15 (Iowa), Region 32 (North Dakota), Region 38 (South Dakota), and Region 45 (Wisconsin).<sup>13</sup>

On August 12, 2009, the Bureau released a *Public Notice* seeking comment on the amended Region 22 Plan.<sup>14</sup> We received no comments. We have reviewed the Region 22, Non-

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<sup>5</sup> See 47 C.F.R. § 90.16 (no assignments will be made in spectrum designated for the Public Safety National Plan until a regional plan for the area has been accepted by the Commission); *see also* Development and Implementation of a Public Safety National Plan and Amendment of Part 90 to Establish Service Rules and Technical Standards for Use of the 821-824/866-869 MHz Bands by the Public Safety Services, Gen. Docket No. 87-112, *Report and Order*, 3 FCC Rcd 905 (1987) (*National Plan Report and Order*).

<sup>6</sup> See *National Plan Report and Order*, 3 FCC Rcd at 911 ¶57.

<sup>7</sup> The Region 22 (Minnesota) 800 MHz NPSPAC regional planning area encompasses the entire state of Minnesota consisting of 87 counties.

<sup>8</sup> See Letter from Tim Lee, P.E., Chair, Region 22 (Minnesota) NPSPAC Regional Planning Committee, to Federal Communications Commission, WT Docket No. 02-55, PR Docket No. 93-130 (filed June 10, 2009) (submitting Non-Streamlined Plan Amendment).

<sup>9</sup> See Non-Streamlined Plan Amendment, Exhibit G – Region 22 NPSPAC Channel Assignments.

<sup>10</sup> *Id.*

<sup>11</sup> See *id.* Section 8.1.1 – Additional Common Channels at 23-24.

<sup>12</sup> See *id.* Section 16.1 – Statewide Public Safety Radio System Planning at 31-32.

<sup>13</sup> See *id.* Exhibits H through K (providing letters of concurrence from adjacent regions).

<sup>14</sup> See Public Safety and Homeland Security Bureau Seeks Comments on Region 22 (Minnesota) Non-Streamlined

Streamlined Plan Amendment and conclude, based on the information before us, that it complies with FCC rules and policies.

Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 22 800 MHz NPSPAC Non-Streamlined Plan Amendment is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Deputy Chief, Public Safety and Homeland Security Bureau.

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Amendment to Reflect 800 MHz Band Reconfiguration in the 806-809/851-854 MHz Band, WT Docket No. 02-55, PR Docket No. 93-130, *Public Notice*, DA 09-1798 (rel. Aug. 12, 2009). Comments were due Sept. 1, 2009 and reply comments were due Sept. 11, 2009.